

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**SUZANNE DEGNEN, D.M.D., P.C.
d/b/a SUNSET TOWER FAMILY
DENTISTRY,**

Plaintiff,

v.

KOMET USA, LLC,

Defendant.

No. 4:15-cv-01631-JAR

JOINT MOTION TO REMAND

Plaintiff Suzanne Degnen, D.M.D., P.C. d/b/a Sunset Tower Family Dentistry and Defendant Komet USA, LLC, jointly move to remand the case to the Circuit Court of St. Charles County, Missouri, with all parties to bear their own costs and any actual expenses, including attorney fees, incurred as a result of the removal.

Defendant takes the position that this Court lacks jurisdiction under *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540 (2016). Plaintiff disagrees, but rather than expend additional and unnecessary time and resources involved in filing and opposing a motion for summary judgment on jurisdictional grounds, and potentially litigating a related appeal, the parties have agreed to jointly seek remand to the Circuit Court of St. Charles County, Missouri, where there would be no question about the court's jurisdiction to proceed with this case, to approve a class settlement, or to adjudicate any potential new state law causes of action. Defendant points out that it removed this case to this Court before the decision in *Spokeo* was issued.

No other motions are currently pending in this case.

WHEREFORE, Plaintiff Suzanne Degnen, D.M.D., P.C. d/b/a Sunset Tower Family Dentistry and Defendant Komet USA, LLC, request that the Court grant this motion.

SO ORDERED ON DECEMBER 13th 2016:


JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I certify that on December 12, 2016, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all registered counsel of record.

/s/ Ronald J. Eisenberg